IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1077 OF 2006

Between:

K.Surender & Ors. … Petitioners

Versus

The Commissioner,

Endowments Department,

Hyderabad & Ors. … Respondents

Counsel for the Petitioner: M/s.Krishna Mohan,

Mr. S.Krishna Sharma

Counsel for the Respondents: GP for Endowments

O R D E R :

This writ petition is filed to direct the respondents to accept the boundaries fixed by the Deputy Director of Survey and Land Records in file No.A5/TS/266/04, dated 09-4-2004 with further consequential direction to the respondents not to interfere with the peaceful possession in demolishing the compound wall and structures of the petitioners without following the procedure as arbitrary, illegal, and unjust.

The petitioners submit that they are the owners in respect of the land in which they have constructed the houses as shown in the cause title of the writ petition and they never encroached any portion of the land belonging to the second respondent-temple. But however an allegation has been made that all the petitioners have encroached 10 sq.yards of the temple property. On the said allegation, without taking any legal recourse the respondents are threatening to demolish the property of the petitioners and in fact to verify their own assertion whether the petitioners have encroached 10 sq.yards of land a letter dated 17-5-2005 was addressed by the second respondent to the Deputy Director of Survey and Land Records, Hyderabad and the said Deputy Director of Survey and Land Records after receiving notice surveyed the land in question and prepared a plan signed by the concerned authorities on 27-10-2004. According to the said survey, it cannot be said that the petitioners have encroached any part of the land of the temple. Further the said survey plan does not indicate the property of the temple but it only indicates relevant survey numbers and measurements. Therefore, without expressing any opinion as to whether the petitioners have encroached the temple land or not, I consider it appropriate that if the respondents are proceeding against the petitioners illegally and depriving their right, the petitioners are at liberty to approach the Deputy Commissioner of Endowments under section 87 of the A.P. Charitable Hindu Religious & Endowments Act, 1987 and seek appropriate relief in accordance with law but at this stage disputed questions cannot be decided in this writ petition.

With the above observation, the writ petition fails and is accordingly dismissed at the admission stage. No costs.

JANUARY 24th, 2005. ----------

l s L. **V. ESWARAIAH, J**.